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45372	7590	09/15/2010	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP (FISHER)			ZAHR, ASHRAF A	
233 SOUTH WACKER DRIVE				
6300 WILLIS TOWER			ART UNIT	PAPER NUMBER
CHICAGO, IL 60606			2175	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,550	NIXON ET AL.	
	Examiner	Art Unit	
	ASHRAF ZAHR	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 August 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-28 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 05 February 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>11/19/2007, 10/2/08, 5/19/09, 4/13/10, 8/30/10</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. This is the first action for application 10/590550. Claims 1-28 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-23, 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claims 1-10, A computer readable medium could be a communication medium (see specification ¶0176) and that is non-statutory subject matter.

Regarding Claims 11-23, A user interface is software per se. There is no hardware claimed. Furthermore, a computer readable medium could be a communication medium and that is non-statutory subject matter.

Regarding Claims 26-28, A computer readable medium could be a communication medium (see specification ¶0176) and that is non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Thurner et al., US 7,165,226 (Hereinafter, Thurner).

Regarding Claim 1, Thurner discloses “an object entity stored in a computer-readable medium for use with a user interface system for a process plant, the object entity comprising: a first portion defining graphics for a depiction of a process plant element of the process plant via the user interface”. Specifically, the Workbench contains a number of tools for building and modifying the Data Structures and Dataflow diagrams. An Object Designer provides graphical design of objects in a number of different views, including Tree, Table, XML, and HTML views (Thurner, col 3, ln 43-47).

Thurner also discloses “and, a second portion identifying a data source for data indicative of on-line operation of the process plant element to be displayed via the depiction”.. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and

mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Thurner also discloses “wherein the first portion is set forth in a declarative format” (Thurner, col 3, ln 43-47).

Regarding Claim 2, Thurner also discloses “the object entity of claim 1, wherein the first portion defines an instance of a shape object utilized in rendering the depiction”. Specifically, in the first arrangement, the left (L) and upper views (U), i.e., panes are coupled, according to a predetermined relationship, such that selection of an object in either pane results in a corresponding refocusing of the other pane on a related object (Thurner, col 3, ln 65- col 4, ln 5).

Regarding Claim 3, Thurner also discloses “the object entity of claim 1, wherein the first portion defines an instance of a composite shape object utilized in rendering the depiction”. Specifically, in the first arrangement, the left (L) and upper views (U), i.e., panes are coupled, according to a predetermined relationship, such that selection of an object in either pane results in a corresponding refocusing of the other pane on a related object (Thurner, col 3, ln 65- col 4, ln 5).

Regarding Claim 4, Thurner also discloses “the object entity of claim 1, wherein the declarative format is in accordance with an extensible markup language” (Thurner, col 3, ln 43-47).

Regarding Claim 5, Thurner also discloses “the object entity of claim 1, wherein the declarative format comprises a vector graphics format for script defining the graphics” (Thurner, col 3, ln 50-55).

Regarding Claim 6, Thurner also discloses “the object entity of claim 1, wherein the first portion further defines a data conversion parameter to specify a graphical depiction of the data indicative of on-line operation of the process plant element”. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 7, Thurner also discloses “the object entity of claim 1, further comprising a third portion defining a method to be implemented to simulate the on-line operation of the process plant element”. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic,

maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 8, Thurner also discloses “the object entity of claim 7, wherein the third portion is set forth in the declarative format” (Thurner, col 3, ln 43-47).

Regarding Claim 9, Thurner also discloses “the object entity of claim 1, wherein the second portion is set forth in the declarative format” (Thurner, col 3, ln 43-47).

Regarding Claim 10, Thurner also discloses “the object entity of claim 1, wherein the graphics include animated elements having animation indicative of the on-line operation of the process plant element”. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 11, Thurner also discloses “a user interface system for a process plant, comprising: a computer-readable medium” and “a graphic display editor to configure a process graphic display having a graphic display element representative

of a process plant element of the process plant". Specifically, the Workbench contains a number of tools for building and modifying the Data Structures and Dataflow diagrams. An Object Designer provides graphical design of objects in a number of different views, including Tree, Table, XML, and HTML views (Thurner, col 3, ln 43-47).

Thurner also discloses "wherein configuration information for the process graphic display generated by the graphic display editor is stored in the computer-readable medium in accordance with a declarative language" (Thurner, col 7, ln 58-65).

Thurner also discloses "a graphics rendering engine to generate a depiction of the process graphic display during runtime based on Commands derived from the configuration information". Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 12, Thurner also discloses "the user interface system of claim 11, wherein the declarative language defines an extensible format for expressing the configuration information" (Thurner, col 3, ln 43-47).

Regarding Claim 13, Thurner also discloses “the user interface system of claim 11, wherein the configuration information is stored in accordance with an object model framework based on the declarative language” (Thurner, col 3, ln 43-47).

Regarding Claim 14, Thurner also discloses “the user interface system of claim 13, wherein the object model framework defines primitive shape objects made available by the graphic display editor to configure the process graphic display to include an additional graphic display element constructed from the primitive shape objects. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 15, Thurner also discloses “the user interface system of claim 13, wherein the object model framework defines a composite object made available by the graphic display editor to configure the process graphic display to include an additional graphic display element constructed from the composite object”. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-

programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 16, Thurner also discloses “the user interface system of claim 13, wherein the graphic display editor comprises graphical editing tools to create the composite object from previously constructed process model objects stored in the computer-readable medium”. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 17, Thurner also discloses “the user interface system of claim 16, wherein the graphical editing tools are defined via the object model framework” (Thurner, col 3, ln 43-47).

Regarding Claim 18, Thurner also discloses “the user interface system of claim 11, wherein the declarative language is an extensible markup language” (Thurner, col 3, ln 43-47).

Regarding Claim 19, Thurner also discloses “the user interface system of claim 11, wherein the declarative language defines an XML-based format for describing the configuration information” (Thurner, col 3, ln 43-47).

Regarding Claim 20, “the user interface system of claim 11, further comprising a conversion engine to generate the commands in accordance with a further declarative language based on graphics-related information of the configuration information”(Thurner, col 3, ln 43-47).

Regarding Claim 21, Thurner also discloses “the user interface system of claim 20, wherein the further declarative language sets forth the graphics-related language in accordance with a vector graphics format” (Thurner, col 3, ln 43-47).

Regarding Claim 22, Thurner also discloses “the user interface system of claim 20, wherein the conversion engine further generates further commands specifying a data conversion routine for the graphic display element”. Specifically, the Workbench contains a number of tools for building and modifying the Data Structures and Dataflow diagrams. An Object Designer provides graphical design of objects in a number of different views, including Tree, Table, XML, and HTML views (Thurner, col 3, ln 43-47).

Regarding Claim 23, Thurner also discloses “the user interface system of claim 20, wherein the conversion engine further generates a data source reference file from

the configuration information for the process graphic display that identifies a data source for data to be displayed in connection with the graphic display element". Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Regarding Claim 24, Thurner also discloses "a method of configuring a user interface system for a process plant, comprising: using an object defining a composite graphical element to create a plurality of instances thereof in respective process graphic displays to be depicted via the user interface". Specifically, the Workbench contains a number of tools for building and modifying the Data Structures and Dataflow diagrams. An Object Designer provides graphical design of objects in a number of different views, including Tree, Table, XML, and HTML views (Thurner, col 3, ln 43-47).

Thurner also discloses "storing data in a computer-readable medium of the user interface system defining the plurality of instances of the composite graphical element" (Thurner, col 7, ln 58-65).

Thurner also discloses "automatically updating the plurality of instances of the composite graphical element by modifying the object". Specifically, the Workbench contains a number of tools for building and modifying the Data Structures and Dataflow

diagrams. An Object Designer provides graphical design of objects in a number of different views, including Tree, Table, XML, and HTML views (Thurner, col 3, ln 43-47).

Regarding Claim 25, Thurner also discloses “the method of claim 24, wherein the object comprises a definition set forth in an XML-based graphics language” (Thurner, col 3, ln 43-47).

Regarding Claim 26, Thurner also discloses “an object entity stored in a computer-readable medium for use with a user interface system for a process plant, the object entity comprising: a graphics portion defining graphics for a depiction of a process plant element of the process plant via the user interface”. Specifically, other views (not displayed) enable the visualization, design and modification of business objects and business process, runtime GUIs, electrical and mechanical construction of the plant, diagnostic, maintenance, scheduling, information management, PLC-programming, batch design, recipe management, object mappings and project deployments (Thurner, col 2, ln 55-65).

Thurner also discloses “a parameters portion identifying configurable aspects of the graphics”. Specifically, the Workbench provides an Integrated Engineering Environment in which a graphical configuration of distributed workflows and data flows are visually monitored and controlled (Thurner, col 3, ln 30-35).

Thurner also discloses “a navigation portion identifying data sources for content to be displayed in connection with the graphics” (Thurner, col 3, ln 55-56).

Thurner also discloses “wherein the graphics portion, the parameters portion, and the navigation portion are stored in the computer-readable medium discretely” (Thurner, col 7, ln 58-65).

Regarding Claim 27, Thurner also discloses “the object entity of claim 26, wherein the computer-readable medium comprises a plurality of memory storage devices, such that the graphics portion, the parameters portion, and the navigation portion are not stored on a single memory storage device” (Thurner, col 7, ln 58-65).

Regarding Claim 28, Thurner also discloses “the object entity of claim 26, wherein the graphics portion comprises a description in an XML-based graphics language” (Thurner, col 3, ln 43-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 9/10/10

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175